

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
Prem S. PAUL <i>et al.</i>)	Group Art Unit: 1648
Application No.: 10/618,779)	Examiner: Myron G. HILL
Filed: July 15, 2003)	Confirmation No.: 5988
For: POLYNUCLEIC ACIDS ISOLATED)	
FROM A PORCINE REPRODUCTIVE)	
AND RESPIRATORY SYNDROME)	
VIRUS (PRRSV) PROTEINS)	
ENCODED BY THE POLYNUCLEIC)	
ACIDS, VACCINES BASED ON THE)	
PROTEINS AND/OR POLYNUCLEIC)	
ACIDS)	

SUBSTITUTE RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Official Action, dated July 11, 2006, requires an election of species. Specifically,
the Official Action states:

This application contains claims directed to the following patentably distinct species: four different virus isolates - ISU-51, ISU-55, ISU-3927, and ISU1894. The species are independent or distinct because each virus isolate has different properties and variations in the strain are different viruses. Also, Applicant must elect the cell type the virus is grown on because different cell substrates impart different phenotypes to the virus grown, including attenuation, and can influence the titer of virus.

In response to this election requirement, Applicants hereby elect for examination purposes only, ISU-55 as the virus species, and MA-104 as the cell species. Claims 54-56, reproduced below, read on these species. By the present election, Applicants do not concede that the Examiner's characterization of the virus and/or cell isolates is accurate.

Claims 54-56 are related to the elected invention. Below is a current listing of the claims:

Claims 1-53 (Canceled).

54. (Previously Presented) A vaccine which protects a pig against a porcine reproductive and respiratory syndrome (PRRS), comprising an effective amount of a biologically-pure virus selected from the group consisting of ISU-51 (VR 2429), ISU-55 (VR 2430), ISU-3927 (VR 2431), and ISU-1894 (VR 2475), wherein said virus is attenuated; and a physiologically-acceptable carrier, wherein said virus is prepared by serial passage in a cell line selected from the group consisting of PSP-36, PSP-36-SAH, and MA-104.

55. (Previously Presented) A vaccine which protects a pig against a porcine reproductive and respiratory syndrome (PRRS), comprising an effective amount of a biologically-pure virus selected from the group consisting of ISU-51 (VR 2429), ISU-55 (VR 2430), ISU-3927 (VR 2431), and ISU-1894 (VR 2475), or a virus exhibiting the identifying characteristics of a virus in said group, wherein said virus is attenuated; and a physiologically-acceptable carrier, wherein said virus is prepared by serial passage in a cell line selected from the group consisting of PSP-36, PSP-36-SAH, and MA-104.


56. (Previously Presented) A vaccine which protects a pig against a porcine reproductive and respiratory syndrome (PRRS), comprising an inactivated or attenuated virus wherein prior to inactivation or attenuation, said virus is selected from the group consisting of ISU-51 (VR 2429), ISU-55 (VR 2430), ISU-3927 (VR 2431), and ISU-1894 (VR 2475), and a physiologically-acceptable carrier, wherein said inactivated or attenuated virus is prepared by serial passage in a cell line selected from the group consisting of PSP-36, PSP-36-SAH, and MA-104.

The Examiner is encouraged to contact the undersigned at the telephone number listed below, in order to expedite prosecution of this application.

The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2518.

Respectfully submitted,
BINGHAM MCCUTCHEN, L.L.P.

Date: August 11, 2006

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